

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff(s),

-against-

SHYMELL EPHRON,

Defendant(s).

24-CR-0418 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

Defendant Shymell Ephron was arrested and presented in this case on July 10, 2024, and was arraigned before the undersigned on July 12, 2024. He has been detained since his arrest. At the July 12 arraignment conference, the Court set deadlines for the production of discovery from the Government and a deadline of September 13, 2024, for the filing of defense motions. Speedy Trial time was excluded, on consent, until the currently scheduled conference date of October 11, 2024.

On August 30, 2024, defense counsel submitted a written request to adjourn the motions filing date by 60 days, until November 12, 2024, citing their need for additional time to evaluate the discovery, discuss it with the defendant, seek expert advice and evaluations, and prepare any motions. Dkt. No. 12. The Government opposes the request, citing their compliance with the Court's discovery deadlines, the relatively limited discovery, the tangential relevance of the remaining discovery to the type of motions that would be due on September 13, and, most importantly for present purposes, the interests of the victims in this case in a speedy and prompt resolution. Dkt. No. 13.

The Court has carefully considered the arguments raised by counsel in their respective letters. The defendant is charged with serious crimes, including the kidnapping and repeated sexual abuse of two minors, as well as narcotics distribution. Understandably, given the nature of the allegations, the minor victims and their parents have a strong interest in avoiding unnecessary delay in the prosecution of this matter, and the Government likewise has an interest in proceeding to trial without delay. These important interests are in tension.

Ultimately, the Court has determined that the best way to protect the rights of the defendant to mount the best possible defense to this case, as well as to afford the victims and the public a speedy trial, is to grant a short adjournment of the motions

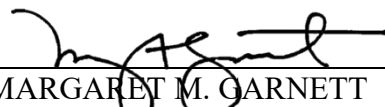
deadline while also proceeding to schedule the trial in this matter. Accordingly, the deadline for defense motions is ADJOURNED by six weeks to **October 25, 2024**. The Government's opposition shall be filed by **November 8, 2024**, and any reply filed by **November 15, 2024**. The next conference in this matter will be adjourned to **November 22, 2024**, at **11:00 a.m.**

Should defense counsel determine that no motions will be filed at this stage of the case, they shall promptly inform the Court and the Government by letter of that decision, and the Court may adjust the schedule accordingly. If the defendant intends to request a further adjournment of the motions deadline, that request must be made by **October 18, 2024**, and shall be accompanied by a detailed recitation of what has been done to attempt to meet the current deadline and what remains to be done before motions can be filed; any portions of such letter discussing defense strategy may be redacted and submitted *ex parte* if necessary. Finally, all counsel shall inform the Court by no later than **Friday, September 6, 2024**, of their availability to begin trial in this matter on the following dates: January 6, 2025; January 13, 2025; February 18, 2025; or February 24, 2025. Counsel may notify Chambers of their availability by email to GarnettNYSDChambers@nysd.uscourts.gov.

The Court previously excluded time under the Speedy Trial Act through October 11, 2024. On the consent of the defendant and the Government, the Court now further excludes time under the Speedy Trial Act from October 11, 2024, through October 25, 2024. The Court finds that the additional time is necessary to allow defense counsel to continue reviewing the discovery produced by the Government and discussing it with the defendant, to allow for the retention of a potential expert and the preparation of that expert's report, to allow for any review of that report and evaluation, and finally to assess all of the above information and prepare and file any appropriate motions by October 25. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public (including the victims and their families) and the defendant in a speedy trial. The Court also notes that, should motions be filed, the time for briefing and resolving such motions will be excluded under 18 U.S.C. § 3161(h)(1)(D).

Dated: September 4, 2024
New York, New York

SO ORDERED.


MARGARET M. GARNETT
United States District Judge